

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THE NEW YORK TIMES COMPANY.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	No. 1:23-cv-11195-SHS-OTW
	:	
MICROSOFT CORPORATION, OPENAI,	:	
INC., OPENAI LP, OPENAI GP, LLC,	:	
OPENAI, LLC, OPENAI OPCO LLC,	:	
OPENAI GLOBAL LLC, OAI	:	
CORPORATION, LLC, OPENAI	:	
HOLDINGS, LLC,	:	
	:	
Defendants.	:	
	:	
	:	
	X	

**DECLARATION OF ALEXANDER ZBROZEK IN SUPPORT OF OPENAI
DEFENDANTS' MOTION TO SEAL**

I, Alexander Zbrozek, hereby declare as follows:

1. I am Senior Counsel at OpenAI. I submit this declaration in support of OpenAI Defendants' letter motion to seal, filed concurrently herewith. I have personal knowledge of the facts set forth below and if called as a witness, could testify competently thereto.

2. I have been informed that because Plaintiffs' letter motions to compel (*New York Times* ECF Nos. 490 and 498) are not "judicial documents" under *Lugosch v. Pyramid Company of Onondaga*, 435 F.3d 100 (2d Cir. 2006), but rather discovery-related documents, the "presumption of access to these records is low." *Bernstein v. Bernstein Litowitz Berger & Grossman LLP*, 814 F.3d 132 (2d Cir. 2016); *see Brown v. Maxwell*, 929 F.3d 41, 50 (2d Cir. 2019); *Rand v. Travelers Indem. Co.*, No. 21-CV-10744 (VB)(VF), 2023 WL 4636614, at *2

(S.D.N.Y. July 19, 2023) (court not required to articulate compelling reasons to seal for material in non-dispositive motions).

3. I have been informed and understand that the OpenAI confidential material highlighted in Plaintiffs' letter motions to compel¹ and contained within certain exhibits submitted in support has been designated by OpenAI as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY" pursuant to the protective order. I submit this declaration in support of (1) redacting certain information, as marked in highlighting in copies of Plaintiffs' briefs attached hereto; and (2) maintaining under seal the following exhibits submitted in support of Plaintiffs' letter motions:

Description	NYT ECF No.	DN ECF No.	CIR ECF No.
Exhibit 1 to Letter Motion to Compel Financial Documents and Investor Materials	ECF No. 490-1	-	-
Exhibit 3 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-3	ECF No. 322-3	ECF No. 247-3
Exhibit 5 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-5	ECF No. 322-5	ECF No. 247-5
Exhibit 6 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-6	ECF No. 322-6	ECF No. 247-6
Exhibit 7 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-7	ECF No. 322-7	ECF No. 247-7
Exhibit 8 to Letter Motion to Compel	ECF No. 498-8	ECF No. 322-8	ECF No. 247-8

¹ OpenAI's proposed redactions are reflected in yellow in the documents attached hereto, unless the document already contained yellow highlighting, in which case proposed redactions are in green.

Description	NYT ECF No.	DN ECF No.	CIR ECF No.
Deposition of Greg Brockman			
Exhibit 9 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-9	ECF No. 322-9	ECF No. 247-9
Exhibit 10 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-10	ECF No. 322-10	ECF No. 247-10
Exhibit 11 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-11	ECF No. 322-11	ECF No. 247-11
Exhibit 12 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-12	ECF No. 322-12	ECF No. 247-12
Exhibit 13 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-13	ECF No. 322-13	ECF No. 247-13
Exhibit 14 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-14	ECF No. 322-14	ECF No. 247-14
Exhibit 15 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-15	ECF No. 322-15	ECF No. 247-15

4. Based on my review, certain portions of Plaintiffs' letter motions to compel and the entirety of the Exhibits listed in the table above fall into the following categories: (i) internal references to URLs or other identifying information, the disclosure of which could compromise OpenAI security; and (ii) competitively sensitive statements concerning details of processes and sources for training, testing, and improving OpenAI LLMs.

5. **Category (i).** Internal URLs, filenames, hyperlinks, user IDs, and other technological markers are highly sensitive and warrant sealing. Disclosure of this information

could compromise OpenAI's internal safety and security measures. OpenAI treats such information as confidential or highly confidential, generally does not publicly disclose this type of information, and takes affirmative steps to protect the confidentiality of that information.

Category (i) information can be found in the following:

Description	NYT ECF No.	DN ECF No.	CIR ECF No.	Redact or Seal
Exhibit 6 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-6	ECF No. 322-6	ECF No. 247-6	Seal
Exhibit 7 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-7	ECF No. 322-7	ECF No. 247-7	Seal
Exhibit 8 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-8	ECF No. 322-8	ECF No. 247-8	Seal
Exhibit 9 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-9	ECF No. 322-9	ECF No. 247-9	Seal
Exhibit 10 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-10	ECF No. 322-10	ECF No. 247-10	Seal
Exhibit 12 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-12	ECF No. 322-12	ECF No. 247-12	Seal
Exhibit 13 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-13	ECF No. 322-13	ECF No. 247-13	Seal
Exhibit 14 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-14	ECF No. 322-14	ECF No. 247-14	Seal
Exhibit 15 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-15	ECF No. 322-15	ECF No. 247-15	Seal

6. **Category (ii).** The specific processes that OpenAI employs to train and test ChatGPT models, including the sources and specific amounts of data, data collection and acquisition techniques, confidential meetings about dataset development, financial evaluations impacting available resources for training, and confidential technical know-how constitute highly sensitive proprietary information. OpenAI treats such information as confidential or highly confidential. OpenAI generally does not publicly disclose this type of information and takes steps to protect its confidentiality, particularly given the highly competitive nature of the artificial intelligence industry with global stakeholders. Disclosure of this kind of information would give OpenAI's competitors insight into its proprietary development processes and cause competitive harm to OpenAI. Category (ii) information can be found in the following:

Description	NYT ECF No.	DN ECF No.	CIR ECF No.	Redact or Seal
Letter Motion to Compel Financial Documents and Investor Materials	ECF No. 490	-	-	Redact
Exhibit 1 to Letter Motion to Compel Financial Documents and Investor Materials	ECF No. 490-1	-	-	Seal
Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498	ECF No. 322	ECF No. 247	Redact
Exhibit 3 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-3	ECF No. 322-3	ECF No. 247-3	Seal
Exhibit 5 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-5	ECF No. 322-5	ECF No. 247-5	Seal
Exhibit 6 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-6	ECF No. 322-6	ECF No. 247-6	Seal

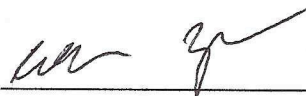
Description	NYT ECF No.	DN ECF No.	CIR ECF No.	Redact or Seal
Exhibit 7 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-7	ECF No. 322-7	ECF No. 247-7	Seal
Exhibit 8 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-8	ECF No. 322-8	ECF No. 247-8	Seal
Exhibit 9 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-9	ECF No. 322-9	ECF No. 247-9	Seal
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Exhibit 14 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-14	ECF No. 322-14	ECF No. 247-14	Seal
Exhibit 15 to Letter Motion to Compel Deposition of Greg Brockman	ECF No. 498-15	ECF No. 322-15	ECF No. 247-15	Seal

7. OpenAI's request is narrowly tailored. Wherever practical, OpenAI is only seeking to redact selected portions of the parties' briefs and exhibits, leaving the balance unredacted and open to the public. Where OpenAI seeks to file an entire exhibit under seal, it is

because confidential information appears throughout the document, making redaction inadequate to protect OpenAI from harm.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 3rd day of April 2025, in New York, New York.

A handwritten signature in black ink, appearing to read 'Alexander Zbrozek', is written above a horizontal line.

Alexander Zbrozek
Senior Counsel
OpenAI